

making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

[Signed BEATY,
BRACHFIELD,
CAIN,
DAVIDSON of DeWitt.
DECKER,
DOUGLASS,
FAULK,
GRINNAN,
HALE,
HANGER,
HARPER,
HENDERSON,
HICKS,
HILL,
LIPSCOMB,
MARTIN,
MCKAMY,
MILLS,
MORRIS,
PATTESON,
PERKINS,
SAVAGE,
SEBASTIAN,
WILLACY.]

RECESS.

On motion of Senator Hicks the Senate, at 10:25 o'clock a. m., took a recess until 2:30 o'clock p. m.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

There being nothing before the Senate for this hour, the Senate, at 2:40 o'clock p. m., on motion of Senator Douglass, adjourned until 10 o'clock a. m., tomorrow.

EIGHTH DAY.

Senate Chamber,
Austin, Texas, Wednesday, April 15, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names.

Beaty.	Douglass.
Brachfield.	Faubion.
Cain.	Faulk.
Davidson of	Faust.
DeWitt.	Grinnan.
Decker.	Hale.

Hanger.	Mills.
Harbison.	Morris.
Harper.	Patteson.
Henderson.	Perkins.
Hicks.	Savage.
Hill.	Sebastian.
Lipscomb.	Stafford.
Martin.	Willacy.
McKamy.	Wilson.

Absent.

Davidson of Galveston. Paulus.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Sebastian, the same was dispensed with.

EXCUSED.

On motion of Senator Harbison, Senator Faust was excused from attendance upon the Senate on Tuesday, on account of important business.

On motion of Senator Lipscomb, Senator Paulus was excused from attendance upon the Senate on Monday, Tuesday and today on account of important business.

On motion of Senator Harper, Senator Harbison was excused from attendance upon the Senate on Monday and Tuesday on account of important business.

On motion of Senator Savage, Senator Davidson of Galveston was excused for non-attendance upon the Senate for Monday, Tuesday and today on account of important business.

MISCELLANEOUS MATTERS.

INVITATIONS.

The Chair laid before the Senate, the following invitation:

Austin, Texas, April 15, 1903.

Hon. Geo. D. Neal, President of the Senate, Austin, Texas.

DEAR SIR: A public reception will be given by the Albert Sidney Johnston Chapter, U. D. C., in the Senate Chamber, on Thursday, the 16th inst., from seven to nine o'clock, p. m., to the John B. Hood Camp, U. C. V., and to Mrs. Cone Johnson, President of the Texas Division, U. D. C., and other visiting Daughters and Veterans. The officers, members and employes of the Senate, and their ladies are respectfully invited to attend.

Very respectfully,

MRS. MELISSA HARDY,
President, Albert Sidney Johnston Chapter, U. D. C.

Austin, Texas, April 15, 1903.

*President and Members of the Senate,
Twenty-eighth Legislature of Texas.*

You are cordially invited to participate in the opening services of the Fiftieth Annual Conclave of the Right Eminent Grand Commandery of Knights Templar of Texas, to be held at St. David's Episcopal church, at 10:45 a. m., this day.

Courteously yours,

W. G. FRANKLIN,

Chairman Invitation Committee.

P. S.—Please have this read at the opening of your session this morning.

Senator Wilson offered the following:

COMPTROLLER'S DEPARTMENT,
STATE OF TEXAS.

Senator J. R. Wilson, Senate Chamber.

DEAR SIR: In reply to your request of this date, have to state that my estimate of the amounts of the receipts in the general revenue, from all sources, for the two fiscal years ending August 31, 1905, is as follows:

Year ending August 31, 1904..\$3,200,000
Year ending August 31, 1905.. 3,300,000

Yours very respectfully,

R. M. LOVE,
Comptroller.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 15, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 1, relating to the permanent school fund of the State of Texas.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 5—GENERAL APPROPRIATION BILL.

On motion of Senator Wilson, regular business (House bill No. 3) was suspended, and the Senate took up, out of its order, Senate bill No. 5 (General Appropriation bill).

The Chair laid before the Senate, on its second reading,

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1903, and ending August 31, 1905, and for other purposes."

Senator Wilson offered the following resolution:

Resolved, That the Senate consider the appropriation bills by departments, and that it be considered by departments as they appear in the original bill.

The resolution was read and adopted.

The clerk, in accordance with the above resolution, read the first department, "Executive Office."

Senator Mills offered the following amendment:

(1)

"Amend page 1, line 24, by striking out 'one thousand dollars' in each line, and insert 'ten thousand.'"

In view of the fact that the printed bill and the original bill did not correspond,

Senator Wilson moved that the printed bill be substituted for the original bill.

The motion prevailed, and

Senator Hicks offered the following substitute for the amendment:

"Amend by inserting in line 24, page 1, in lieu of '\$1,000' wherever it occurs the figures '\$7,500.'"

The substitute for the amendment was adopted.

Senator Beaty offered the following amendment:

(2)

"Amend the printed bill, page 1, by adding the following in line 33: 'To pay Lieutenant Governor while acting as Governor, \$250—\$250.'"

The amendment was adopted.

Senator Faulk offered the following amendment:

(3)

"Amend by striking out all of line 32, page 1."

The amendment was adopted.

MANSSION AND GROUNDS.

Senator Brachfield offered the following amendment:

(4)

"Amend by striking out '\$4,000,' in line 16, page 2, and adding '\$2,000' in lieu thereof."

(Senator McKamy in the chair.)

The amendment was read, and lost by the following vote:

Yeas—9.

Brachfield.	Faulk.
Cain.	Harper.
Davidson of	Martin.
DeWitt.	Savage.
Douglass.	Sebastian.

Nays—16.

Faubion.	Lipscomb.
Faust.	McKamy.
Grinnan.	Mills.
Hale.	Morris.
Hanger.	Patteson.
Harbison.	Perkins.
Hicks.	Stafford.
Hill.	Wilson.

Absent.

Beaty.	Henderson.
Decker.	Willacy.
	Absent—Excused.
Davidson of	Paulus.
Galveston.	

(Lieutenant Governor Neal in the chair.)

Senator Brachfield offered the following amendment:

(5)

"Amend by striking out line 21, page 2."

Senator Davidson of DeWitt offered the following amendment to the amendment:

"Amend the amendment by adding lines 19 and 20 to the amendment."

The amendment to the amendment and the amendment were both lost.

Senator Perkins offered the following amendment:

(6)

"Amend line 10, page 2, by inserting 'for' before 'mansion' and after word 'grounds'; add words 'to be expended under the direction of the Governor.'"

The amendment was adopted.

Senator Hale offered the following amendment:

(7)

"Amend line 16, page 2, by striking out '\$4,000' and substituting therefor '\$3,000.'"

The amendment was lost by the following vote:

Yeas—9.

Brachfield.	Grinnan.
Davidson of	Hale.
DeWitt.	Harper.
Douglass.	Savage.
Faulk.	Sebastian.

Nays—19.

Beaty.	Hicks.
Cain.	Hill.
Decker.	Lipscomb.
Faubion.	Martin.
Faust.	McKamy.
Hanger.	Mills.
Harbison.	Morris.
Henderson.	Patteson.

Perkins.	Wilson.
Stafford.	

Absent.

Willacy.	Absent—Excused.
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Davidson of	Paulus.
Galveston.	

STATE DEPARTMENT.

Senator Brachfield offered the following amendment:

(8)

"Amend line 28, page 2, by striking out '\$3,900' and inserting in lieu thereof '\$3,420,' and strike out '\$1,300' and insert in lieu thereof '\$1,140.'"

Senator Hale offered the following substitute for the amendment:

"Amend line 28, page 2 of printed bill, so as to read 'at \$1,400 each, \$4,200—\$4,200.'"

The substitute was lost, and

Senator Hale offered the following substitute for the amendment:

"Amend line 28, page 2, by striking out '\$1,300' and substitute therefor '\$1,200,' and by striking out '\$3,900' and substitute therefor '\$3,600.'"

The substitute was lost.

The amendment was then lost by the following vote:

Yeas—11.

Brachfield.	Grinnan.
Cain.	Hale.
Davidson of	Harper.
DeWitt.	McKamy.
Douglass.	Patteson.
Faulk.	Savage.

Nays—16.

Beaty.	Hill.
Decker.	Lipscomb.
Faubion.	Martin.
Faust.	Mills.
Hanger.	Morris.
Harbison.	Sebastian.
Henderson.	Stafford.
Hicks.	Wilson.

Absent.

Perkins.	Willacy.
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Absent—Excused.

Davidson of	Paulus.
Galveston.	

Senator Wilson offered the following amendment:

(9)

"Amend by striking out '\$250' in second column, page 2, line 31."

Senator Faulk offered the following substitute for the amendment:

"Amend line 31, page 2, by striking out the two items of '\$250' and insert in lieu thereof '\$125.'"

The substitute was adopted, and

The amendment as substituted was then adopted.

Senator Brachfield offered the following amendment:

(10)

"Amend line 30, page 2, by striking out '2,400' and inserting in lieu thereof '2,100,' and by striking out '\$1,200' and inserting '\$1,050.'"

The amendment was read, and lost.

Senator Brachfield offered the following amendment:

(11)

"Amend by striking out '\$420,' in line 32, page 2, and inserting in lieu thereof '\$360.'"

The amendment was lost.

TREASURY DEPARTMENT.

No amendments offered.

SCHOOL LAND DEPARTMENT.

The Clerk read the department, and Senator Brachfield offered the following amendment:

(12)

"Amend by striking out line 10, page 4."

The amendment was lost.

RECESS.

Senator Douglass moved that the Senate take a recess until 3 o'clock p. m. today.

Senator Faust moved that the Senate recess until 2:30 o'clock p. m. today.

The motion to recess until 3 o'clock p. m. prevailed, and the Senate, at 12:30 o'clock p. m., recessed until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

PENDING BUSINESS RESUMED.

Pending business, the General Appropriation bill, was resumed.

Senator Mills offered the following amendment:

(13)

"Amend page 4, line 13, by striking out all of line 13 and insert: 'Salary of bookkeeper University and asylum lands and register clerk.'"

The amendment was adopted.

Senator Hill offered the following amendment:

(14)

"Amend page 5 by inserting after the word 'lands,' line 17, the following: 'And where former sales were cancelled for non-payment of interest and the land leased by the State to the original purchaser or his assignees and such sales were afterwards reinstated upon payment of all back interest due thereon under such former sale.'"

The amendment was read, and lost by the following vote:

Yeas—12.

Beaty.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Sebastian.
Faubion.	Willacy.
Faulk.	Wilson.
Hanger.	

Nays—13.

Brachfield.	Martin.
Douglass.	McKamy.
Faust.	Mills.
Grinnan.	Morris.
Hale.	Patteson.
Harper.	Savage.
Henderson.	

Absent.

Decker.	Perkins.
Harbison.	Stafford.

Absent—Excused.

Davidson of	Paulus.
Galveston.	

Senator Savage offered the following amendment:

(15)

"In line 15, page 4, strike out '\$360' wherever it occurs and insert '\$420.'"

The amendment was read, and lost.

COMPTROLLER'S DEPARTMENT.

Senator Lipscomb offered the following amendment:

(16)

"Amend bill by striking out the item '\$1,300' in line 15, and insert in lieu thereof '\$1,400,' on page 7."

Senator Brachfield offered the following substitute for the amendment:

"Amend all of this department by making salaries conform to salaries now received by the clerks in said department."

Senator Hanger made a point of order that the substitute was not germane to the amendment, in view of the fact that there were no salaries named.

The Chair sustained the point of order.

The original amendment was then lost. Senator Mills offered the following amendment:

(17)

"Amend page 7 by inserting between lines 19 and 20: 'Salary of assistant mailing and file clerk, \$1,000—\$1,000.'"

The amendment was adopted.

Senator Decker offered the following amendment:

(18)

"Amend the printed bill by striking out '\$1,000,' line 21, page 7, and insert '\$1,100,' and by striking out '\$15,000' and insert '\$16,500.'"

The amendment was adopted.

Senator Wilson offered the following amendment:

(19)

"Amend by adding between lines 6 and 7, on page 8, the following:

"To refund to liquor dealers amount paid for occupation taxes in those counties where local option has been adopted, or may be adopted during the two years beginning September 1, 1903, and ending August 31, 1905, \$40,000.

The amendment was adopted.

Senator Wilson offered the following amendment:

(20)

"Amend line 10, page 7, by striking out '\$1,100' in each column, and inserting '\$1,200.'"

The amendment was adopted.

(Senator Sebastian in the chair.)

ATTORNEY GENERAL'S DEPARTMENT.

No amendments.

GENERAL LAND OFFICE.

Senator Hale offered the following amendment:

(21)

"Amend line 21, page 10, by striking out '\$1,100 and \$1,000,' and substitute therefor '\$1,200.'"

The amendment was adopted.

Senator Savage offered the following amendment:

(22)

"Strike out '\$9,100,' line 7, page 11, wherever it occurs and insert '\$9,800,' and strike out '1,300' and insert '1,400.'"

The amendment was adopted.

Senator Wilson offered the following amendment:

(23)

"Amend the printed bill by adding after line 13, page 10, the following:

"Salary three patent clerks at \$1,200 each, \$3,600—\$3,600."

The amendment was adopted.

Senator Mills offered the following amendment:

(24)

"Amend line 30, page 11, by striking out '\$500,' and inserting '\$1,600.'"

The amendment was adopted.

DEPARTMENT OF EDUCATION.

Senator Hicks offered the following amendment:

(25)

"Amend page 13, line 7, to read as follows:

"Salary of stenographic filing and general clerk, \$1,200—\$1,200."

The amendment was adopted.

Senator Hale offered the following amendment:

(26)

"Amend line 8, page 14, by striking out '\$3,000,' and substitute therefor '\$3,300.'"

Question—Shall the amendment be adopted, "yeas" and "nays" were demanded, and the amendment was lost by the following vote:

Yeas—10.

Davidson of	Harper.
DeWitt.	Hicks.
Faulk.	McKamy.
Faust.	Morris.
Hale.	Stafford.
Hanger.	

Nays—16.

Beaty.	Lipscomb.
Brachfield.	Martin.
Cain.	Mills.
Decker.	Patteson.
Grinnan.	Savage.
Harbison.	Sebastian.
Henderson.	Willacy.
Hill.	Wilson.

Absent.

Douglass.	Perkins.
Faubion.	

Absent—Excused.

Davidson of	Paulus.
Galveston.	

Senator Grinnan offered the following amendment:

(27)

"Amend by adding after line 8, page 14, the following:

"The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out and continuing in full effect the provisions of the act of the Legislature of the State of Texas of June 10, 1897, providing for a uniform system of text-books for the public schools of Texas, and make new contracts for books according to the provisions of said act."

Senator Davidson of DeWitt moved to table the amendment, yeas and nays were demanded, and the amendment was tabled by the following vote:

Yeas—13.

Beaty.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Hale.	Mills.
Hanger.	Patteson.
Henderson.	Savage.
Hicks.	Wilson.

Nays—12.

Brachfield.	Harbison.
Cain.	McKamy.
Decker.	Morris.
Faulk.	Sebastian.
Faust.	Stafford.
Grinnan.	Willacy.

Absent.

Douglass.	Harper.
Faubion.	Perkins.

Absent—Excused.

Davidson of	Paulus.
Galveston.	

Senator Faust offered the following amendment:

(28)

"Amend line 32, page 12, by substituting '\$1,350' in place of '\$1,300.'"

The amendment was adopted by a rising vote.

(Lieutenant Governor Neal in the chair.)

PUBLIC BUILDINGS AND GROUNDS.

Senator Hanger offered the following amendment:

(29)

"Amend the printed bill by adding after the word 'of' and before the word 'elevator,' in line 22, page 14, the following: 'Henry Almer.'"

Senator Sebastian offered the following substitute for the amendment:

"Amend the printed bill by adding after the word 'of' and before the word 'elevator,' in line 22, page 14, the following: 'Some worthy Confederate veteran.'"

Senator Hanger moved to table the substitute.

Yeas and nays were demanded, and the substitute was tabled by the following vote:

Yeas—18.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	Savage.
Faulk.	Stafford.
Faust.	Willacy.
Hanger.	Wilson.
Harbison.	

Nays—7.

Grinnan.	Morris.
Henderson.	Patteson.
McKamy.	Sebastian.
Mills.	

Absent.

Douglass.	Hale.
Faubion.	Perkins.

Absent—Excused.

Davidson of	Paulus.
Galveston.	

Question—Shall the original amendment be adopted?

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	Savage.
Faulk.	Stafford.
Faust.	Willacy.
Grinnan.	Wilson.
Hanger.	

Nays—6.

Henderson.	Morris.
McKamy.	Patteson.
Mills.	Sebastian.

Absent.

Douglass.	Harbison.
Faubion.	Perkins.
Hale.	

Absent—Excused.

Davidson of	Paulus.
Galveston.	

Senator Lipscomb moved to reconsider the vote by which the amendment by Senator Grinnan was tabled, and spread that motion on the Journal.

Senator Davidson of DeWitt called up Senator Lipscomb's motion to reconsider

the vote by which Senator Grinnan's amendment was tabled, and moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—20.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Martin.
Davidson of	McKamy.
DeWitt.	Mills.
Decker.	Morris.
Faulk.	Patteson.
Faust.	Savage.
Hanger.	Willacy.
Harbison.	Wilson.
Henderson.	

Nays—5.

Grinnan.	Sebastian.
Harper.	Stafford.
Lipscomb.	

Absent.

Douglass.	Hale.
Faubion.	Perkins.

Absent—Excused.

Davidson of	Paulus.
Galveston.	

SPECIAL COMMITTEE APPOINTED.

The Chair announced the appointment of the following special committee provided for by Senate Concurrent Resolution No. 1: Senators Hill and Davidson of DeWitt.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 15, 1903.

To the Legislature:

I present the following as an additional subject for legislation:

To provide for special road laws for counties.

S. W. T. LANHAM,
Governor.

ADJOURNMENT.

On motion of Senator Hicks, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

EDUCATIONAL AFFAIRS.

Committee Room,

Austin, Texas, April 15, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to create a State Text Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the following Substitute Senate bill No. 10, being a bill to be entitled "An Act to create a State Text Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency," with the recommendation that said Substitute Senate bill No. 10 *do* pass as substitute and in lieu of said Senate bill No. 10.

S. S. B. No. 10.]

[By Committee.

A BILL

TO BE ENTITLED

An Act to create a State Text Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Governor of the State of Texas as soon as this act shall take effect, shall appoint four teachers, citizens of the State of Texas, from different sections of said State, who, together with the Governor, shall constitute the State Text Book Board, of which the Governor shall be chairman, and the board shall, when called together by the Governor for that purpose, adopt and maintain a uniform system of text books for use in the public schools in this

State, and for the further purpose of executing the provisions of this act; provided, that no one of said four teachers to be appointed by the Governor shall be in any way connected with any of the normal schools of this State, nor shall any one of them be a teacher in any city of this State exempted from the operation of this act. The board is hereby authorized and required to select and adopt a uniform system of text books to be used in the public free schools of Texas, and the series so selected shall include text books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided, that none of said text books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools in conjunction with the English course prescribed by this act, but the teaching of such languages shall not supersede the use of the text books herein prescribed; and provided further, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act.

Sec. 2. The text books selected by the board shall be selected after a careful examination and consideration of all presented, and shall be the best text books in the opinion of the board, taking into consideration merit, price, and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903.

Sec. 3. The Governor shall immediately upon the taking effect of this act advertise in such manner as he may deem best, that at a time and place fixed in the said notice, and not later than sixty days after this act takes effect, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered; and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dol-

lars nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall further be required of all publishers submitting bids to the board for its consideration that they file with the Secretary of State an affidavit that no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested it shall work a disqualification of such member of the board, and he shall not be permitted to serve on the board created under the provisions of this act; or if it should further appear or be disclosed that any member of the board is interested in any book or series of books as the author, associate author, or in any other manner, such fact shall likewise work a disqualification of such member, and he shall not be permitted to serve upon the board.

Sec. 4. Any vacancy occurring upon the board shall be filled by appointment by the Governor. All bids shall be sealed and deposited with the Governor of the State to be by him delivered to the board in session for the purpose of considering the same. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board, it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such successful bidder; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State Treasury to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract that where a change shall have been made from the books now in use that the contractor or contractors shall take in exchange the respective books at present adopted by the State or by any city having a popu-

lation in excess of ten thousand in part payment for the new books; and all bidders under this act shall state what allowance they will make for the said respective books adopted by the State, or by any city having a population in excess of ten thousand now in the hands of the patrons of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September the 1st, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas, and in a sum of not less than ten thousand dollars, to be approved by the Governor, such bond to be conditioned that the contractor or contractors shall faithfully and fully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General, and shall be made to conform with all the requirements of this act, and shall be payable in Travis county, Texas, which shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the board may at any time after twenty days notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contractors may at the option of the board be forfeited.

Sec. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement, and shall adopt such rules and regulations as may be necessary to the transaction of its business not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received; and it shall be the duty of the board to make a full and complete investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their adoption. The board shall proceed without delay to adopt for use in the public schools in this State, text books on the branches hereinbefore mentioned, and shall notify the publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act, and if the bond herein required is presented and duly approved the board

shall approve said contract and order it to be signed on behalf of the State by the Governor, in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of the State, and to be copied in full in the minutes of the meeting of the board in a well-bound book, and the other copy to be delivered to the company or its agent. The contract or exchange prices of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State, and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county, or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, if such book or books can be purchased from any other source at the same price.

Sec. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of books as provided in this act, and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, and all contracts shall contain a stipulation to that effect.

Sec. 7. As soon as the board shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act, it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board, and such copies of said books shall be securely kept as the standard of quality and excellence to be maintained in said books during the continuance of the contracts.

Sec. 8. The party with whom each contract has been made shall establish and

maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept, and shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown in the last preceding report of the county superintendent, on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency, and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein said books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text books provided for in this act the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted with their respective prices and exchange prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years beginning September the 1st, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the con-

tractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

Sec. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them, as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books as adopted under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than fifty dollars for such offense, and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 13. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the available school fund of this State for the purpose of paying the cost and expense of putting into effect the provisions of this act.

Sec. 14. The fact that the text book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity, requiring that the constitutional rule providing that bills shall be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

STAFFORD, Chairman.

ROADS, BRIDGES AND FERRIES.

Committee Room,
Austin, Texas, April 14, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to amend Article 877, Chapter 2, Title XXV, of the Revised Civil Statutes of the State of Texas, authorizing the commissioners courts to issue bonds

for the purpose of constructing public roads."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and be not printed.

FAULK, Chairman.

CONSTITUTIONAL AMENDMENTS.

MAJORITY REPORT.

Committee Room,

Austin, Texas, April 14, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No.—, Providing for a convention to frame a Constitution for the State of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass.

PERKINS, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, April 14, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No.—, Providing for a convention to frame a Constitution for the State of Texas,

Do not concur in the report of the majority, and beg to recommend that it *do* pass.

LIPSCOMB,
HICKS,
PERKINS,
BEATY.

NINTH DAY.

Senate Chamber,

Austin, Tex., Thursday, April 16, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faubion.
Brachfield.	Faulk.
Cain.	Faust.
Davidson of	Grinnan.
DeWitt.	Hale.
Decker.	Hanger.
Douglass.	Harbison.

Harper.	Morris.
Henderson.	Patteson.
Hicks.	Perkins.
Hill.	Savage.
Lipscomb.	Sebastian.
Martin.	Stafford.
McKamy.	Wilson.
Mills.	

Absent.

Davidson of	Paulus.
Galveston.	Willacy.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Savage, the same was dispensed with.

MEMORIAL.

Senator Decker offered the following memorial:

HISTORY OF CLARK SURVEY OF TEXAS PANHANDLE BOUNDARY.

(Printed in Journal by unanimous consent.)

Washington, April 14.—Arthur D. Kidder, who recently located the one hundredth meridian where it intersects Red River, on the Texas boundary, has been designated by the General Land Office to make the further investigations with regard to the Texas boundary questions which have been decided upon by the Interior Department. Of course, whatever may be the result of the findings of the Kidder expedition, it can not have the effect of changing the present boundaries of Texas, but unquestionably may develop facts upon which litigation may be based looking to a permanent settlement of all boundary uncertainty.

Mr. Kidder will establish an observation station at Higgins, in Lipscomb county; Texline, in Dallam county, and Monohan, in Ward county. These stations are for the purpose of determining astronomically the exact location, first, of the intersection of the one hundredth meridian with latitude 36 degrees and 30 minutes (theoretically, the northeast corner of the Panhandle); second, the intersection of the one hundred and third meridian with latitude 36 degrees and 30 minutes (theoretically, the northwest corner of the Panhandle); third, the intersection of the one hundred and third meridian with the thirty-second parallel of latitude, which, from the one hundred and third meridian to the Rio Grande constitutes, theoretically, the southern boundary between Texas and New Mexico.

The United States government, acting through the Department of the Interior,